



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Fifth Amended Account and Report of Conservator and Petition for its Settlement

Age: 81 years	DORIS BECKETT,		NEEDS/PROBLEMS/COMMENTS: Examiner is unable to review these pleadings. The pleadings have incomplete sentences and paragraphs and do not make sense. Accounting is not verified or signed by the Conservator. Probate Code §1020. <u>Note:</u> the accounting is signed by the attorney. It has not been verified. An attorney cannot verify for a fiduciary therefore the accounting must be verified by the Conservator. Notice of the Hearing has not been given.
DOB: 1/12/1931	spouse/Conservator, is petitioner.		
	Account period: 11/13/07 – 9/30/11		
	Accounting \$129,262.22		
	Beginning POH \$ 22,004.96		
	Ending POH \$ 5,770.60		
Cont. from	Current bond \$24,500.00		
<input type="checkbox"/> Aff.Sub.Wit.			
<input type="checkbox"/> Verified	X		
<input type="checkbox"/> Inventory			
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<input type="checkbox"/> Citation			
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			Reviewed by: KT
			Reviewed on: 3/2/12
			Updates:
			Recommendation:
			File 1 – Beckett

Atty Keeler, William (for Donna Hanneman – Trustee)

Atty Martinez, Vincent T. (for David Anderson, John Anderson, and Joy Jackman –Petitioners)

Petition for Distribution of Trust Income and Principal; Memorandum of Points and Authorities in Support Thereof

Age:		DAVID ANDERSON, JOHN D. ANDERSON, AND JOY ANDERSON JACKMAN , beneficiaries, are Petitioners. Petitioners request a Court order: <u>1</u>) instructing Trustee Donna Hanneman (“Trustee”) to distribute trust income and principal of the Exemption Trust pursuant to the terms of the Anderson Family Living Trust dated 11/23/92 (“Family Trust”) and <u>2</u>) removing Trustee as the Trustee of the Exemption Trust and appointed Petitioner Joy Anderson Jackman as Successor Trustee of the Exemption Trust, pursuant to the terms of the Family Trust.	NEEDS/PROBLEMS/COMMENTS: 1. Petition is not verified by Petitioners. 2. Need Order.
DOD:			
Cont. from			
Aff.Sub.Wit.			
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√ Notice of Hrg		I. Petitioners’ Request for Order to Instruct Trustee to Distribute Exemption Trust Income and Principal Petitioners state: 1. They are 3 of the 6 Family Trust beneficiaries (<i>Copies of the Family Trust and Amendments 1-4 are attached to Petition</i>); 2. Trust John Anderson died 12/15/95, at which time the Family Trust was split into the Marital Trust and the Exemption Trust; 3. Surviving Settlor Edna Anderson made several amendments to the Marital Trust during her lifetime, and she died on 7/19/09; 4. Petitioners have made several requests to the Trustee to distribute the Trust income and principal according to the Family Trust, however, Trustee has failed to distribute said income; 5. The corpus of the Exemption Trust, at the time of Edna’s death, consisted of mutual funds, commercial real estate and a promissory note, as well as a checking account held at Wells Fargo Bank; 6. Petitioners therefore request the Court order Trustee to comply with the terms of the Family Trust and distribute the Exemption Trust income to its beneficiaries.	Reviewed by: NRN Reviewed on: 3/2/12 Updates: Recommendation: File 3 - Anderson
√ Aff.Mail	w/o		
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9202			
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UCCJEA			
Citation			
FTB Notice			

II. Petitioners' Request for Removal of Trustee and Appointment of Petitioner Joy Jackman as Successor Trustee

Petitioners state:

1. Trustors John and Edna ("Trustors") appointed 3 separate individuals as successor trustees of the Family Trust in the event of Trustors' deaths;
2. Trustors did not appoint Donna Hanneman as a successor trustee of the Exemption Trust;
3. After John's death in 1995, Edna made changes to the Marital Trust and appointed Donna Hanneman as Successor Trustee of the Marital Trust;
4. Since Edna's death in 2009, Donna Hanneman has been acting as the Successor Trustee of both the Marital and Exemption Trust;
5. Trustee submitted an accounting of the Exemption Trust for the period of 7/19/09 through 4/30/11; Schedule D of that accounting shows no income or principle distributions to the Exemption Trust beneficiaries in over two years;
6. Per the Family Trust terms, Kaye Cooper was to have been appointed as first successor trustee of the Exemption Trust;
7. Kaye Cooper passed away on 10/26/09;
8. Therefore, Richard Cooper should have been appointed, pursuant to the Family Trust; if Richard Cooper was unable or unwilling to act, then Petitioner Joy Anderson Jackman should have been appointed;
9. Instead, Donna Hanneman has been acting as the Successor Trustee since 2009; this is erroneous as she was not originally appointed as such by the Trustors'
10. Therefore, Trustee Hanneman should be removed as Trustee of the Exemption Trust and either Richard Cooper or Petitioner Joy Anderson Jackman appointed (**note: the prayer specifically requests that Joy Anderson Jackman be appointed**).

(1) Petition for Final Settlement and Final Distribution, Waiver of Account, Waiver of Statutory Fees for Administrator, and (2) for Allowance of Fees for Attorney (Prob. C. 11600, 10800, 10810, 10831, 10951, 10954)

DOD: 12-2-10			SALLY KATHLEEN ELLIS , Daughter and Administrator with Full IAEA without bond, is Petitioner. Accounting is waived. I&A: \$125,000.00 POH: \$125,000.00 (real property only) Administrator (Statutory): Waived Attorney: \$3,500.00 (Less than statutory) Distribution pursuant to intestate succession: Sally Kathleen Ellis: Entire estate consisting of real property only	NEEDS/PROBLEMS/COMMENTS: 1. Need order.
	Aff.Sub.Wit.			
✓	Verified			
✓	Inventory			
✓	PTC			
✓	Not.Cred.			
N/A	Notice of Hrg			
N/A	Aff.Mail			
	Aff.Pub.			
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✓	Letters	5-17-11		
	Duties/Supp			
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	Video Receipt			
	CI Report			
✓	9202			
	Order	X		
	Aff. Posting			
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	UCCJEA			
	Citation			
✓	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 3-2-12	
			Updates:	
			Recommendation:	
			File 4 - Wilson	

(1) First and Final Report of Executor on Waiver of Accounting and (2) Petition for Final Distribution of Estate and (3) for Order Authorizing and Directing Payment of Statutory Executor's Compensation and Statutory Attorneys' Compensation and

Costs

DOD: 6-3-11		SUSAN M. FLEMING , Executor with Full IAEA without bond, is Petitioner. Accounting is waived. I&A: \$824,519.34 POH: \$823,260.26 (cash and securities) Executor (Statutory): \$18,927.36 Attorney (Statutory): \$18,927.36 Costs: \$894.00 (filing, publication, certified letters, appraisal, etc.) Distribution pursuant to Decedent's will and codicils: Equal shares to Susan M. Fleming, Mimi S. Rogers, and Stephen H. Schmid	NEEDS/PROBLEMS/COMMENTS: 1. If the non-cash assets (securities, etc.) are to be distributed in undivided interests, need written agreement for such distribution pursuant to Local Rule 7.12.3. 2. Need revised order pursuant to Local Rule 7.6.1.A. Monetary distributions must be stated in dollars.
<input type="checkbox"/>	Aff.Sub.Wit.		
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<input checked="" type="checkbox"/>	FTB Notice		
		Reviewed by: skc Reviewed on: 3-2-12 Updates: Recommendation: File 6 - Costa	

Petition for Letters of Administration (Prob. C. 8002, 10450)

DOD: 11/23/11		KIMBERLY BISHOFF , daughter, is petitioner and requests appointment as Administrator without bond.	NEEDS/PROBLEMS/COMMENTS:			
Cont. from						
<input type="checkbox"/>	Aff.Sub.Wit.			All heirs waive bond.	<p>1. #5a(7) or 5a(8) of the petition was not answered re: issue of predeceased child.</p>	
<input checked="" type="checkbox"/>	Verified					
<input type="checkbox"/>	Inventory					Full IAEA – o.k.
<input type="checkbox"/>	PTC					
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<input type="checkbox"/>	Notice of Hrg					
<input checked="" type="checkbox"/>	Aff.Mail	W/	<p><u>Note to Judge:</u> Based on the case number, the assigned probate referee should be Steven Diebert. The inventory and appraisal has already been completed by Rick Smith and has been filed. The court may want to consider appointing Rick Smith as the probate referee in this case since he has already appraised the property. Examiner has left the information about the probate referee blank in the order pending the courts determination regarding the referee.</p>			
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Spousal or Domestic Partner Property Petition (Prob. C. 13650)

DOD: 12/28/11		ELIZABETH SOSAYA , surviving spouse, is petitioner. No other proceedings Will dated 12/25/11 devises entire estate to spouse. Petitioner states she was married to the Decedent for approximately 25 years. At no time during the marriage did the Decedent inherit nor was he gifted any property. The two parcels of real property which is the subject matter of this Petition were purchased by the parties during the marriage using community property funds. Petitioner requests court confirmation that Decedent's interest in two parcels of real property passes to her.	NEEDS/PROBLEMS/COMMENTS:	
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✓	Notice of Hrg			
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	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
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Reviewed by: KT				
Reviewed on: 3/2/12				
Updates:				
Recommendation: SUBMITTED				
File 11 - Sosaya				

Atty LeVan, Nancy J. (for Lorena Garcia – Daughter – Administrator)
 Atty Emerzian, David L (for Omega Ochoa Garcia – Surviving Spouse)

Further Status Hearing

DOD: 2-7-07		<p>LORENA GARCIA, Daughter is Administrator with limited IAEA without bond.</p> <p>Letters issued 7-21-08.</p> <p>On 7-14-09, the Court approved a settlement agreement between Administrator (daughter) and Omega Ochoa Garcia (surviving spouse) and allowed continuation of estate administration pending certain issues:</p> <p>1) Retrial of the damages portion of Civil Case # 04CECG03607 Garcia v. Roberts; and</p> <p>2) Receipt of proceeds due from an eminent domain matter</p> <p>On 10-4-11 (the 7th status hearing regarding retrial of the damages issue), Attorney Emerzian advised the Court that a motion for a new trial was denied and an appeal has been filed, and that deposits need to be made. The Court set this hearing for further status.</p> <p>Status Report filed 12-1-11 by Attorney LeVan states that Attorney Ty Kharazi filed a Notice of Appeal on behalf of his clients, the Roberts'. The Fifth District Court of Appeal has set a mediation for the parties on 12-12-11. Attorney LeVan requests to set a status hearing in March 2012 to follow the progress of the appeal.</p> <p>Minute Order 12-6-12: No appearances. Matter continued to 3-13-12.</p> <p>As of 3-2-12, nothing further has been filed.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> Examiner Notes from the 10-4-11 status hearing with a brief chronology of this case are in the file for reference.</p> <p>1. <u>Need account or current status report.</u></p> <p>Examiner notes that Letters issued <u>over 3 years ago</u> and the Court approved continuation of estate administration <u>over 2 years ago</u>.</p> <p>At recent hearings, status was provided regarding the civil matter; however, <u>account current or status of this estate</u> is needed if the estate is not in a position to be closed (Probate Code §12200).</p> <p>At hearing on 7-26-11, the Court was advised that the estate was awarded \$184,798.00, but a new trial may affect that award. The I&A value of the estate as of the date of death was \$5,125.00; however, it is unknown if other amounts have been recovered or received, etc.</p> <p>For example, at this point, what is the property on hand, and how is it held, etc.?</p>
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Citation			
FTB Notice			

Age: 5 years old DOB: 6/21/2006		AJA MERRILL , guardian, is petitioner. Account period: 9/1/09 – 10/31/11 Balance of the minor's blocked account as Chase Bank as of 10/18/11 was \$19,711.13	NEEDS/PROBLEMS/COMMENTS: Continued from 1/17/12. Minute order states there are no appearances. The court continues the matter to 3/13/12 and orders Aja Merrill to be present on 3/13/12. The Court further orders a copy of the examiner notes be sent to the petitioner. <i>Proof of service indicates the minute order was mailed to Aja Merrill on 1/20/12. As of 3/2/12 the following issues remain:</i> <ol style="list-style-type: none"> 1. This 2nd Account was filed using a fee waiver. Accountings are considered to be costs of administration. There are assets in the guardianship estate to pay the filing fee. 2. Accounting does not comply with Probate Code §1060. 3. Accounting is not on the mandatory Judicial Council forms. Probate Code § 2620. 4. Petition was not signed by the Co-Guardian/father Samuel Merrill. 5. Need <i>Notice of Hearing</i>. 6. Need proof of service of the <i>Notice of Hearing</i> on Maddison Merrill (minor) pursuant to Probate Code §1460. 7. Need Order. 	
Cont. from 011712				
<input type="checkbox"/>	Aff.Sub.Wit.			
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Reviewed by: KT Reviewed on: 3/2/12 Updates: Recommendation: File 14 - Merrill				

15 Angel Miramontes and Yareli Miramonte (GUARD/P) Case No. 12CEPR00048

Atty Corona, Maria (for Petitioner/maternal grandmother Maria Corona)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Angel age: 8 years DOB: 12/8/2003		<u>Temporary Expires 3/13/2012</u>		NEEDS/PROBLEMS/COMMENTS:	
Yareli age 7 months DOB: 6/2/2011		MARIA CORONA, maternal grandmother, is petitioner.		1. Need <i>Notice of Hearing</i> .	
		Angel's father: ANGEL MIRANDA –		2. Need proof of personal service of the <i>Notice of Hearing</i> along with a copy of the petition or <i>Consent and Waiver of</i> <i>Notice or Declaration of Due Diligence</i> on:	
Cont. from		Yareli's father: LUIS FABIAN GUTIERREZ		a. Angel Miranda (Angel's father) b. Luis Fabian Gutierrez (Aareli's father)	
	Aff.Sub.Wit.				
✓	Verified				
	Inventory				
	PTC				
	Not.Cred.				
	Notice of Hrg	X		3. Need proof of service of the <i>Notice of</i> <i>Hearing</i> along with a copy of the petition or <i>Consent and Waiver of</i> <i>Notice or Declaration of Due Diligence</i> on:	
	Aff.Mail	X		a. Fernando Miranda (Angel's paternal grandfather)	
	Aff.Pub.			b. Liliana Miranda (Angel's paternal grandmother)	
	Sp.Ntc.			c. Luis Gutierrez (Yareli's paternal grandfather)	
	Pers.Serv.	X		d. Mrs. Gutierrez (Yareli's paternal grandmother)	
✓	Conf. Screen			e. Hector Miramontes (maternal grandfather)	
✓	Letters				
✓	Duties/Supp				
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		Mother: YAIRA MIRAMONTES – <i>consents and waives notice.</i>			
		Angel's paternal grandfather: Fernando Miranda			
		Angel's paternal grandmother: Liliana Miranda			
		Yareli's paternal grandfather: Luis Gutierrez			
		Yareli's paternal grandmother: Mrs. Gutierrez			
		Maternal grandfather: Hector Miramontes			
		Petitioner states on 1/8/2012 the mother was arrested for hitting her oldest child Angel. CPS place a safety plan where Petitioner was to continue caring for the children and was to keep the mother away from the home where the children were residing. Petitioner is fearful that once released the mother will come and pick up the children. Petitioner is also concerned that the fathers will come and pick up the children. Angel's father has a history of spousal abuse and Yareli's father is an alcoholic and abuses drugs.			
		Court Investigator Dina Calvillo's Report filed on 2/24/12.			
				Reviewed by: KT	
				Reviewed on: 3/2/12	
				Updates:	
				Recommendation:	
				File 15 - Miramontes	

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 3 years DOB: 9/8/2008		<p>THERE IS NO TEMPORARY. No temporary was requested.</p> <p>YRENE MARTINEZ, maternal grandmother, is petitioner.</p> <p>Father: JOSE JESUS MEDINA</p> <p>Mother: ROSARIO IRENE MEDINA – <i>consents and waives notice.</i></p> <p>Paternal grandfather: Jose Jesus Medina – <i>served on 1/31/12.</i> Paternal grandmother: Selena Creeapaum – <i>served on 1/31/12.</i> Maternal grandfather: Jesus Reyes – <i>Declaration of Due Diligence.</i></p> <p>Petitioner states mother has cancer and has days to live. Father is incarcerated in Mississippi. Petitioner has been a part of the minor's life since birth.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need proof of personal service of the <i>Notice of Hearing</i> along with a copy of the <i>Petition or Consent and Waiver of Notice or Declaration of Due Diligence</i> on:</p> <p>a. Jose Jesus Medina (father)</p> <p>Court Investigator Samantha Henson to provide:</p> <p>1. Court Investigator's Report 2. Clearances</p>	
Cont. from				
	Aff.Sub.Wit.			
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<p>Reviewed by: KT</p> <p>Reviewed on: 3/2/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 16 - Medina</p>				